THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.22388 OF 2006

ORAL ORDER:

This writ petition is filed seeking a declaration that the prohibitory orders dated 17.10.2006 issued by the 1st respondent attaching the Current Accounts of the petitioner-Society with the 2nd respondent-Bank for recovery of the arrears payable under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short "the Act") are arbitrary and illegal.

A perusal of the impugned orders show that the petitioner failed to remit the arrears payable for the period from October, 2001 to February, 2005, as assessed under Section 7-A of the Act by order dated 7.4.2006. Admittedly, the order under Section 7-A of the Act has become final, since the petitioner did not choose to file any appeal. As a matter of fact, the petitioner does not dispute its liability, but seeks time for payment of the amounts payable under the assessment order dated 7.4.2006. To that extent, the petitioner made a representation dated 9.10.2006, requesting the 1st respondent to permit it to pay the amounts due in instalments.

I have heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

The learned counsel for the petitioner submits that the representation dated 9.10.2006 is still pending with the 1st respondent and, in the meanwhile, the prohibitory orders were issued attaching the Bank Accounts of the petitioner-society, which is a Co-operative Marketing Society, thereby adversely affecting its welfare activities.

Having regard to the facts and circumstances of the case and particularly keeping in view that the petitioner is a Co-operative Marketing Society, I deem it appropriate to dispose of the writ petition permitting the petitioner to pay the amount in 12 monthly instalments. The first monthly instalment shall be paid on or before 5th

November,2006. On such payment, the attachment effected under the impugned prohibitory orders shall be lifted. It is made clear that the further instalments shall be paid regularly, and in case of default, it is open to the 1st respondent to take appropriate steps in accordance with law.

The writ petition is accordingly disposed of. No costs.

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(G. ROHINI, J.)

30th October, 2006.
Issue CC in two days.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.22388 OF 2006

30th October, 2006.

Between:

The Khammam District
Coop. Marketing Society Ltd., (TE 345),
represented by its Asst. Business Manager,
S. Seetharamulu. .. Petitioner.

And

Employees' Provident Fund
Organization, represented by its
Assistant Commissioner, Sub-Regional
Office, Balasamaudram, Hanumakonda,
Warangal District and another. .. Respondents.